



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.04.2021
Pronounced on : 23.04.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

**C.R.P.MD) .Nos. 665 and 666 of 2021 and
CMP (MD) .No. 3639 of 2021**

V.Asanar Rowther : Petitioner in both petitions

Vs.

1.W.Shahjahan
2.F.Akbar Ali
3.S.Bharath
4.S.Raja
5.P.Mohammed Raja Hussain
6.P.Umar Rafeeq
7.Amjath Ibrahim
8.Bakrudeen
9.Amjath Khan @ Alavuddin

: Respondents in both petitions

COMMON PRAYER:- Criminal Revision Petitions are against the fair and decretal order dated 04.02.2021 passed in I.A.Nos.12 and 13 of 2019 in RCOP Nos.7 and 8 of 2016 on the file of the Rent Controller cum District Munsif, Thirumanglam.

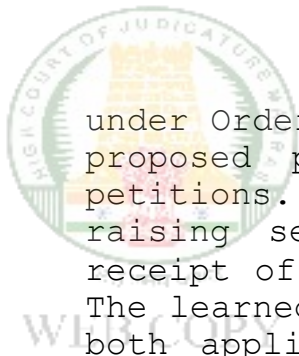
For petitioner : Mr.R.R.Kannan
(in both petitions)

COMMON ORDER

These revision petitions are directed against the orders passed in I.A.Nos.12 and 13 of 2019 in RCOP Nos.7 and 8 of 2016 on the file of the Rent Controller cum District Munsif, Thirumanglam.

2.The revision petitioner is the tenant and he has filed a petition in RCOP.No.8 of 2016 against the first respondent under Section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (hereinafter referred to as "Act") seeking permission to deposit the rent amount in to Court for the demised premises. The first respondent has filed a petition in RCOP.No.7 of 2016 against the revision petitioner under Section 10(2)(i) and (iii) of the Act for eviction.

3.During the pendency of the above two RCOPs, the revision petitioner/tenant has filed two Interlocutory Applications in I.A.Nos.12 and 13 of 2019 in RCOP.Nos.7 and 8 of 2016 respectively



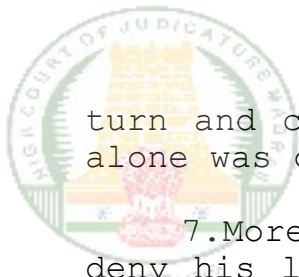
under Order 1 Rule 10 of the Civil Procedure Code for impleading the proposed parties as respondents 7 to 9 in the said Original petitions. The respondents 1 to 6 have filed counter statements raising serious objections. The proposed parties, despite the receipt of Court notice, had remained ex-parte before the tribunal. The learned Rent Controller, after conducting enquiry, has dismissed both applications in I.A.Nos.12 and 13 of 2019 vide order dated 04.02.2021. Aggrieved by the said orders, the tenant has come forward with these present revisions.

4.The main contention of the revision petitioner/tenant is that the property bearing Door No.8 consists of petition mentioned property and another property, which was devolved for the share of the proposed parties, that the Rent Control Petition is applicable for the whole building and that since the proposed parties are having shares in the petition mentioned properties, they have to be impleaded as respondents 7 to 9 in the above petitions. To put it in short, the revision petitioner by alleging that the proposed parties are also co-owners of the petition mentioned property, sought to implead them. The defence of the respondents 1 to 6 is that the revision petitioner has candidly admitted in para No.3 of his counter statement filed in RCOP.No.7 of 2016 that the first respondent is the landlord and he is the tenant in respect of the petition mentioned property, that the proposed parties are the owners of the property adjacent to the petition mentioned property and they have nothing to do with the petition mentioned property and that the above applications have been filed only to drag on the proceedings.

5.As rightly contended by the respondents 1 to 6, in the statement of objections filed by the revision petitioner in RCOP.No.7 of 2016, he has clearly admitted that he is the tenant and the first respondent is the land lord and it is necessary to refer the following lines in para 3;

"Prior to the application, notices have been exchanged between the parties to this application. It has been clearly admitted in those notices that the petitioner is the landlord and that the respondent is the tenant. While so, the petitioner had took unnecessary pains to explain that he is the landlord of the demised premises."

6.After taking such a firm and specific stand, the revision petitioner had come forward with the above application by alleging the proposed parties are also owning a portion of the demised premises. As rightly observed by the learned Rent Controller, the revision petitioner has not produced any material or evidence to show that there existed landlord and tenant relationship between the proposed parties and himself. More over, after admitting the title of the landlord for the entire demised premises, he cannot take a u-



turn and claim that the portion of the petition mentioned property alone was owned by the first respondent.

7. More over, a tenant, who has been let into possession, cannot deny his landlord's title, however, defective it may be so long as he continues to be a tenant.

8. As per Section 116 of the Indian Evidence Act, a tenant is estopped from disputing the title of his landlord over the tenancy premises at the beginning of the tenancy and such estoppel continues to operate as long as the tenancy continues.

9. Even assuming for arguments sake that the proposed parties are the co-owners, it is not at all necessary for arraying all the co-owners as parties to the rent control proceedings and the learned tribunal has rightly relied on the decision of the Hon'ble Supreme Court reported in **AIR 2001 SC 2572** in the case of **Dhannalal Vs., Kalawatibai** that either all the landlords may institute eviction proceedings or one or some of the co-owners/landlords may do so and they may or may not implead other co-owners/landlords as non-applicants or proforma defendants.

10. The first respondent in his counter statement has stated that this Court in CRP(MD).Nos.2206 and 2208 of 2019 has passed an order directing the tribunal to dispose of RCOP.Nos.7 and 8 of 2016 expeditiously and that the tenant, without any basis and with the sole intention to protract the proceedings, has filed the above applications.

11. Considering the entire facts and circumstances, this Court is of the view that the above petitions are devoid of merits and that the same came to be filed only to drag on the proceedings and hence, the decision of the learned Rent Controller in dismissing the above applications in I.A.Nos.12 and 13 of 2019 filed by the revision petitioner cannot be found fault with and consequently, this Court is not inclined to admit these revisions.

12. In the result, these Civil Revision Petitions are dismissed. No costs. Consequently, connected C.M.P(MD).No.3639 of 2021 is closed.

Sd/-

Assistant Registrar (CSIII)

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/ /2021

Sub Assistant Registrar(CS)



The Rent Controller cum District Munsif, Thirumanglam.

+2 CC to M/s.RR KANNAN, Advocate (SR-17488[F] dated 26/04/2021)

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